

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

JOSEPH C. RAY §  
Vs. § CIVIL ACTION NO. 9:12CV22  
TEXAS HOME HEALTH OF AMERICA, LP §

REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The above-styled lawsuit is an action for unpaid overtime wages brought pursuant to the Fair Labor Standards Act of 1938 (“FLSA”), as amended, 29 U.S.C. § 201, *et seq.* The matter was referred to the undersigned in accordance with [28 U.S.C. § 636](#).

On May 31, 2012, the parties filed an Agreed Motion for Court Approval of Settlement Agreement and Entry of Stipulated Judgment (document [#18](#)). The parties assert that they have agreed to settlement terms that constitute a fair and reasonable resolution of a bona fide dispute. The Confidential Settlement Agreement has been filed under seal. The parties jointly request approval of the settlement and entry of the Stipulated Final Judgment submitted with the motion.

## RECOMMENDATION

It is hereby recommended that the Agreed Motion for Court Approval of Settlement Agreement and Entry of Stipulated Judgment (document [#18](#)) be granted. It is recommended that the settlement agreement be approved and that the Stipulated Final Judgment be entered.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve

and file written objections to the findings and recommendations of the magistrate judge.

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen days after service shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. [\*Douglass v. United Services Auto. Assn.\*, 79 F.3d 1415, 1430 \(5<sup>th</sup> Cir. 1996\) \(\*en banc\*\)](#).

So **ORDERED** and **SIGNED** this **31** day of **May, 2012**.

  
JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE